

Questions and Answers Regarding the Critical Habitat Designation for Canada Lynx

Q – What action is the Fish and Wildlife Service taking?

A – The Service is designating approximately 1,841 square miles as critical habitat for the federally threatened Canada lynx. Areas designated include 317 square miles in Voyageurs National Park, Minnesota; 1,389 square miles in Glacier National Park, Montana; and 135 square miles in North Cascades National Park, Washington.

Q – Why is the Service designating critical habitat?

A – This critical habitat designation is in response to a lawsuit filed by the Defenders of Wildlife and others and is made in compliance of a court order requiring the Service to propose critical habitat for the Canada lynx by November 1, 2005 and issue a final determination by November 1, 2006.

Q – What is critical habitat?

A – Critical habitat is a term in the Endangered Species Act. It identifies geographic areas that contain features that contribute to the conservation of a threatened or endangered species and may require special management or protection.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

Q - Would the Canada lynx only be protected in critical habitat areas?

A - No. All other protections afforded by the ESA apply to all members of the species within the range where listed, regardless of whether they inhabit designated critical habitat or not. Listed species, both inside and outside critical habitat, are protected from 'take,' which includes harming (e.g., shooting, killing, trapping, collecting) and harassing individual animals.

Q- What is the historical and current range of the Canada lynx?

A - The historical and current range of the lynx in the contiguous United States is within the boreal forest in five geographic regions: the Northeast, the Great Lakes, the Northern Rocky Mountains, the Southern Rocky Mountains, and the Cascade Mountains.

The Canada lynx is protected as a threatened species under the Endangered Species Act throughout its current range, which includes Colorado, Idaho, Maine, Michigan, Minnesota, New Hampshire, New York, Oregon, Montana, Utah, Vermont, Washington,

Wisconsin, and Wyoming.

Q – Which areas are being excluded as critical habitat for the Canada lynx?

A - U.S. Forest Service (USFS) and Bureau of Land Management (BLM) lands were not included in this designation based on a commitment from those agencies to use the Lynx Conservation and Assessment Strategy (LCAS) to guide actions on their lands. The LCAS was developed by the Forest Service, the Fish and Wildlife Service, the National Park Service, and the Bureau of Land Management and represents the best available scientific information regarding conservation of lynx and lynx habitat on federal lands. The National Park Service lands are being designated because, at this time, their management plans lack specific guidance on lynx conservation.

Other lands excluded from the critical habitat designation include:

- Lands managed for commercial forestry in Maine, Minnesota and Montana where recent past and current commercial forestry practices have created habitat supporting lynx and snowshoe hares. The benefit to lynx conservation of maintaining a cooperative working relationship with these land managers exceeds any benefit realized through consultations required under section 7 of the ESA. Additionally, most activities on these lands would not require federal authorization, funding, or permitting; therefore, actions requiring consultation under section 7 of the Act would be uncommon.
- State lands in Maine, Montana and Washington covered by lynx management plans or policies that direct management of habitats for listed species.
- Tribal lands of the Houlton Band of Maliseet Indians, Aroostook Band of Micmac Indians, Passamaquoddy Tribe, and Penobscot Indian Nation, Grand Portage Indian Reservation and Vermillion Lake Indian Reservation. These lands are small in size relative to the large landscape required to sustain a lynx population. Based on government-to-government relations with Native American tribal governments, the Service believes that fish, wildlife, and other natural resources on tribal lands are better managed under tribal programs than through federal regulation wherever possible and practicable.
- Lands owned by the Nature Conservancy in Maine because of their policy of managing their lands for biodiversity and endangered species.

The Service believes management of these lands has created habitat that supports lynx populations. The preservation of partnerships with these landowners is essential because of their cooperation and funding of ongoing research regarding lynx, snowshoe hare, and lynx habitat relationships, which is greater than any protections or conservation benefits that would result from the designation of critical habitat.

Also excluded are small landowners and lands not managed for commercial forestry.

Because of their small size compared to the large spatial scale required by lynx, they are not considered to play a significant role in lynx conservation but were benefited by efforts taken by larger landowners on adjacent and nearby lands.

Q – How did the Service determine what lands should be proposed as critical habitat for lynx?

A – During development of this critical habitat proposal, the Service used the best scientific data available as well as information from State, Federal and Tribal agencies and from academic and private organizations. Based on this information, the Service first determined which lands were essential to the conservation of the Canada lynx by defining the physical and biological features essential to the conservation of the species and delineating the specific areas that contain those features as well as recent verified records of lynx presence and reproduction. Next, the Service limited the designation to lands that required special management.

To be included as critical habitat, an area had to provide the elements considered to contribute to the conservation of lynx: boreal forest landscapes supporting a mosaic of differing successional forest stages containing: snowshoe hares and their preferred habitat of dense forest understories, winter snow conditions that are generally deep and fluffy to favor the morphological and physiological adaptations of lynx, and sites for lynx denning habitat supporting abundant large woody debris such as downed trees and rootwads.

Q – How will the Canada lynx benefit from having critical habitat designated?

A – Critical habitat receives protection under Section 7 of the Endangered Species Act (ESA) through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency. Aside from the added protection that may be provided under Section 7, the ESA does not provide other forms of protection to lands designated as critical habitat. Consultation under Section 7 of the ESA does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus such as funding or permits.

Q – How long will this critical habitat designation remain in effect?

A – A critical habitat designation remains in effect until the species is considered to be recovered, and is delisted.